

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RHONDA SHADE, et al.,

Case No. 2:15-cv-01016-RFB-PAL

Plaintiffs,

ORDER

v.

(Mot Ext Discovery – Dkt. #31)

CLARK COUNTY, et al.,

(Mot. Strike – Dkt. #36)

Defendants.

Before the court is Plaintiffs’ Motion to Extend Discovery Deadlines (Dkt. #31) and the Motion to Strike and Sur-Reply (Dkt. #36). The court has reviewed the motion and Defendants’ Consolidated Responses to Plaintiffs’ Motion to Amend Complaint and Motion to Extend Discovery Deadlines (Dkt. #33) and Plaintiffs’ Opposition to Defendants’ Motion to Strike and Sur-Reply (Dkt. #38). The district judge will address the Motion to Amend the Complaint.

Plaintiffs filed this action pro se and retained counsel who made an initial appearance on January 8, 2016. *See* Notice of Appearance (Dkt. #21). Counsel requests an extension of the discovery cutoff until October 17, 2016, because: no discovery has been conducted; Defendants have not yet made their initial disclosures; Defendants have conducted no discovery, but sought a stay while their motions to dismiss were pending; and the Defendants would not be prejudiced by an extension.

Defendants oppose the motion to extend the discovery deadlines as the motion to amend the complaint is untimely.

There are currently three Motions to Dismiss pending (Dkt. ##7, 10, 15) filed by Clark County, the City of Las Vegas, Jared Grimmatt, the Las Vegas Metropolitan Police Department and J. Smith respectively. All of these motions are now fully briefed and under submission to the district judge.

1 In addition, Plaintiffs filed a Motion to Amend/Correct Complaint (Dkt. #30) which is
2 now fully briefed and under submission to the district judge. On January 8, 2016, the court
3 entered a discovery plan and scheduling order when the parties had failed to file a proposed
4 stipulated discovery plan and scheduling order as required by LR 26-1(e). On the same day the
5 court entered its discovery plan and scheduling order, attorney Cal J. Potter appeared on behalf
6 of the Plaintiffs and filed a notice of intent to file an amended complaint. On March 2, 2016, the
7 district judge approved the parties' Stipulation (Dkt. #25) dismissing with prejudice Defendants
8 City of Las Vegas and Clark County, although the motions have not been terminated on the
9 court's docket. The Motion to Amend or Correct the Complaint (Dkt. #30) was filed the
10 following day along with this motion to extend the discovery plan and scheduling order
11 deadlines.

12 The motion to dismiss alleges that the statute of limitation bars this case. The motion to
13 amend or correct the complaint is under submission. The undersigned only entered a discovery
14 plan and scheduling order because the parties had not met and conferred or submitted a proposed
15 plan. As the district judge had not yet decided the motion to dismiss or the motion to amend, and
16 no discovery has been conducted, the court finds that the goal of Rule 1 to accomplish the just,
17 speedy and inexpensive determination would be best served by staying discovery until decision
18 of the motion to dismiss and motion to amend/correct the complaint. Accordingly,

19 **IT IS ORDERED** that:

- 20 1. Plaintiff's Motion to Extend Discovery Deadlines (Dkt. #31) is **DENIED without**
21 **prejudice.**
- 22 2. A temporary stay of discovery is entered pending a decision on the Motion to Dismiss
23 and Motion to Amend/Correct the Complaint.
- 24 3. The parties shall have fourteen days from decision on the Motions to Dismiss and
25 Motion to Amend the Complaint, whichever is later, in which to submit a proposed
26 discovery plan and scheduling order.

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1 4. Defendants' Motion to Strike (Dkt. #36) is **DENIED** to the extent it seeks to strike
2 Plaintiffs' reply to the motion to amend/correct complaint.

3 DATED this 9th day of May, 2016.

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6 PEGGY A. TEEN
UNITED STATES MAGISTRATE JUDGE